

§ 188.3

(b) This part is limited to DoD actions with environmental effects in the United States.

(c) The civil works activities under the jurisdiction of the Secretary of the Army and the Chief of Engineers are excluded from this part.

§ 188.3 Definitions.

(a) *United States* means all States, the District of Columbia, territories and possessions of the United States, and all waters and airspace subject to the territorial jurisdiction of the United States. The territories and possessions of the United States include the Virgin Islands, American Samoa, Wake Island, Midway Island, Guam, Palmyra Island, Johnston Atoll, Navassa Island, and Kingman Reef. For the purpose of this Directive, United States also includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Marianas.

(b) Other terms used in this part are defined in 40 CFR part 1508 of the CEQ regulations.

§ 188.4 Policy.

(a) The Department of Defense must act with care to ensure to the maximum extent possible that, in carrying out its mission of providing for the national defense, it does so in a manner consistent with national environmental policies. Care must be taken to ensure that, consistent with other considerations of national policy and with national security requirements, practical means and measures are used to protect, restore, and enhance the quality of the environment, to avoid or minimize adverse environmental consequences, and to attain the objectives of:

(1) Achieving the widest range of beneficial uses of the environment without degradation, risk to health and safety, or other consequences that are undesirable and unintended;

(2) Preserving important historic, cultural, and natural aspects of our national heritage, and maintaining, where possible, an environment that supports diversity and variety of individual choice;

(3) Achieving a balance between resource use and development within the

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sustained carrying capacity of the ecosystem involved; and

(4) Enhancing the quality of renewable resources and working toward the maximum attainable recycling of depletable resources.

(b) The Department of Defense shall:

(1) Assess environmental consequences of proposed DoD actions that could affect the quality of the environment in the United States in accordance with enclosure 1 and 40 CFR parts 1500–1508.

(2) Use a systematic, interdisciplinary approach that will ensure the integrated use of the natural and social sciences and environmental considerations in planning and decisionmaking where there may be an impact on man's environment.

(3) Ensure that presently unmeasured environmental amenities are considered in the decisionmaking process;

(4) Consider reasonable alternatives to recommended actions in any proposal that would involve unresolved conflicts concerning alternative uses of available resources;

(5) Make available to States, counties, municipalities, institutions, and individuals advice and information useful in restoring, maintaining, and enhancing the quality of the environment; and

(6) Utilize ecological information in planning and developing resource-oriented projects.

§ 188.5 Responsibilities.

(a) The *Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics)* shall: (1) Serve as the responsible official for all DoD environmental matters;

(2) Modify or supplement enclosure 1 of this part, when required, in a manner consistent with the policies set forth here;

(3) Provide assistance in the preparation of environmental assessments and statements, and assign, in consultation with appropriate Assistant Secretaries of Defense and heads of DoD Components, lead agency responsibility to prepare environmental documentation when more than one DoD Component is involved and agreement among the Components cannot be reached;

(4) Direct the preparation of environmental documents for specific proposed actions, when required;

(5) Provide, when appropriate, consolidated Department of Defense comments requested by other Federal agencies on draft and final environmental impact statements;

(6) Review proposed issuances of the Office of the Secretary of Defense that may have environmental implications; and

(7) Maintain liaison with the Council on Environmental Quality, the Environmental Protection Agency, the Office of Management and Budget, other Federal agencies, and State and local groups with respect to environmental analyses for proposed DoD actions affecting the quality of the environment in the United States.

(b) The *General Counsel, DoD*, shall provide advice and assistance concerning the requirements of this part.

(c) The *Secretaries of the Military Departments, Chairman of the Joint Chiefs of Staff, Directors of Defense Agencies, and Commanders of the Unified and Specified Commands*, for operations under their jurisdiction, shall:

(1) Assess environmental consequences of proposed programs and actions within their respective DoD Component;

(2) Prepare and process environmental documents as required by this part;

(3) Integrate environmental considerations into their decisionmaking processes;

(4) Ensure that regulations and other major policy issuances are reviewed for consistency with the requirements of this part;

(5) Provide comments on environmental impact statements for actions within their area of expertness of concern; and

(6) Designate a single point of contact for matters pertaining to this part.

§ 188.6 Information requirements.

The environmental documents to be prepared under § 188.5, Enclosure 1, and 40 CFR parts 1500–1508 are assigned Re-

port Control Symbol DD-M(AR)1327 (formerly DD-H&E(AR)1327).

[44 FR 46842, Apr. 9, 1979. Redesignated and amended at 56 FR 64481, Dec. 10, 1991]

ENCLOSURE 1—DoD IMPLEMENTING PROCEDURES

A. General

1. Section 1507.3, Council on Environmental Quality regulations directs that Federal agencies shall as necessary adopt procedures to supplement the CEQ regulations. This enclosure provides those DoD implementing procedures.

2. This enclosure must be read together with the CEQ regulations and the Act when applying the NEPA process.

3. This enclosure is organized sequentially from early planning to final implementation of an action. Throughout this enclosure, references to the CEQ regulations identify the applicable section of those regulations; e.g., CEQ 1501.2.

B. Planning Consideration

1. *Early Planning.* DoD Components shall integrate the NEPA process during the initial planning stages of proposed DoD actions to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to preclude potential conflicts.

2. *Lead Agency.* a. To determine the lead agency for preparing environmental documentation for proposed actions in which more than one DoD Component is involved, and in which no other Federal agency is involved, DoD Components shall apply the criteria in CEQ 1501.5. The ASD(MRA&L) shall resolve disagreements.

b. When another Federal agency is involved and there is disagreement in lead agency determination, the ASD(MRA&L) shall attempt to resolve the differences. If unsuccessful, the ASD(MRA&L) shall file a request with CEQ for lead agency determination.

3. *Advising Applicants.* CEQ 1501.2(d) provides for advising private applicants or other non-Federal entities when DoD involvement is reasonably foreseeable. Actions involving applications by private applicants or other non-Federal entities are limited within the Department of Defense and pertain primarily to permits, leases, and related actions concerning the use of DoD lands and property.

a. The following are types of actions initiated by private persons, State or local agencies, and other non-Federal entities for which DoD involvement may be reasonably foreseeable:

- (1) Requests for easements and rights-of-way on DoD lands,
- (2) Grazing and agricultural leases, and